

TOWN BOARD

The Town Board, Town of Highlands, held a Meeting on Monday, September 26, 2016, at Town Hall, 254 Main St, Highland Falls, NY, at 6:00pm

| | | | |
|----------|--------------------|------|-------------------|
| PRESENT: | Mervin R. Livsey | ---- | Supervisor |
| | Adrienne Voltaire | ---- | Council Member |
| | William Edsall | ---- | Council Member |
| | June Gunza | ---- | Council Member |
| | Tyrone King | ---- | Council Member |
| | Kelly Blauvelt | ---- | Comptroller |
| | Lesley K. Peterson | ---- | Deputy Town Clerk |
| | Justin Rider | ---- | Counsel |

Supervisor Livsey opened the meeting at 6:00pm

PUBLIC COMMENT

Mayor Flynn speaks asking which Town representatives are communicating with the Village regarding the planning board consolidation.

Supervisor Livsey said June Gunza and William Edsall.

Mayor Flynn said that everyone should be informed that is why the website was set up.

Mayor Flynn stated that he is a little perturbed about the negative article in the newspaper concerning the consolidation of the Planning Boards. The Mayor said there is a lack of communication between the Town and Village. Mayor Flynn stated that he ran for Mayor on the plan to consolidate.

Mayor Flynn asked, before any negative comments are put in the paper, that the Town Board contact the Village Board so they can discuss things.

Supervisor Livsey responded to Mayor Flynn, saying that Mary Jane Pitt reported on things said at that particular meeting and she reported only what he said.

Supervisor Livsey announced that Mayor Flynn ran 4 years ago slated on the consolidation and here we are 4 years with no consolidation of the Planning Boards. The Supervisor said that this was very frustrating and a lot of what he said was out of frustration for the community, he did say these things but they were not lies they were facts.

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Supervisor Livsey said that there had been several times the Town attorney had reached out to the Village with documentation and asking for some clarification on where the Village stood with the Planning Board consolidation and the Town attorney got no response.

Mr. Rider said that there were numerous occasions that his office had reached out and there had been no response from the Village attorney. Mr. Rider also stated that there needs to be communication between all parties.

Mayor Flynn agreed and said the communications between the two boards needs to be better.

Mayor Flynn said there will be a Public Hearing at the next village meeting for the consolidation.

Council Member Edsall said there were two drafts drawn up by the boards.

Mayor Flynn addressed the Town attorney and said he would like to have a final draft by the next Village meeting for the Public Hearing.

Mr. Rider responded that the two Planning Board chair's Erik Smith (Town) and Jim Ramus (Village) agreed to a time of April 1st for the consolidation, however, advised Mayor Flynn that he should act immediately on passing a Resolution authorizing the agreement and have the Public Hearing that is scheduled and the village needs to pass the Law of the Local Legislation all leading up to a consolidated board going into effect as of April 1, 2017.

Mayor Flynn said that once they vote in two weeks as far as he is concerned the Village is in.

Council Member Gunza said that the decision will be made and the committee members will be chosen but will not be able to sit in on any meeting until April 1, 2017, unless that date is moved.

Jim Ramus commented on some numbers that were quoted in the local newspaper regarding the consolidation. Outside the village taxpayers would go from \$14,000 to \$8,000 and the village taxpayers would go to \$10,000 to \$12,000, Mr. Ramus believed that to be incorrect it was to be a total of \$18,431.00 not the quoted amount of \$20,000.

Council Member Edsall said those numbers would also be adjusted a little bit by the Town Comptroller, Kelly Blauvelt, as the first year will reflect a little differently due to the April 1, 2017 start date.

Mr. Ramus asked if the actual percentage could be placed there so the public could know.

Comptroller Blauvelt agreed.

Mr. Ramus also announced that even though Mayor Flynn made it clear that the Village would be going ahead with consolidation please to listen to concerns and comments from the communities at the Public Hearing for the consolidation.

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Mr. Ramus addressed the Town Attorney asking does the Town have to have a Public Hearing also regarding creating and consolidating.

Mr. Rider, replied yes the Town Board is planning on introducing Legislation at their first meeting October 10, and then a Public Hearing at their second meeting October 24.

Joe D'Onofrio comments on his concerns that Mayor Flynn is finalizing everything with the consolidation in two weeks. Mr. D'Onofrio suggested the Town Board wait for the report before making any decisions please be transparent with the public.

Mr. D'Onofrio was concerned that the public understand that due to consolidation it will cost the Fort Montgomery residents more which he believed they were unaware of.

Mr. D'Onofrio wanted to discuss about Police Consolidation and asked how many meetings had there been regarding this subject.

Supervisor Livsey stated there were no meetings to his knowledge.

Mr. D'Onofrio asked if there had been any meetings with a committee by Board Members that included Chief Quinn and the new Commissioner of Police regarding the Police Consolidation.

Council Member Gunza said that she believed that the consolidation committee was formed by the Village at this point it is not a joint committee.

Council Member Edsall said that he had been to all but one of those village committee meetings and the Village Police Chief along with the Commissioner had been there.

Mr. D'Onofrio asked has there not recently been a meeting between Chief Quinn, the Police Commissioner and Town Board Members.

Council Member Gunza said she had attended one meeting like that.

Mr. D'Onofrio said he believes that the Village Police Chief should be a part of these meetings.

Council Member Gunza stated that the Town is not calling those meetings, the Village is.

Mr. D'Onofrio restated that the Town was saying that Mayor Flynn and Village were calling those meetings.

Council Member Gunza agreed.

Council Member Edsall said Chief Scott had attended the meetings he was at.

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Mr. D'Onofrio disagreed.

MINUTES

Council Member Gunza made a motion seconded by Council Member Voltaire to approve the minutes of September 12, 2016.

**MOTION CARRIED: 5-ayes (Livsey, King, Gunza, Edsall, Voltaire)
0-nays**

Council Member Edsall made a motion seconded by Council Member King to approve the minutes of September 19, 2016.

**MOTION CARRIED: 5-ayes (Livsey, King, Gunza, Edsall, Voltaire)
0-nays**

COMMUNICATIONS

Supervisor Livsey read a letter from the County Executive Steven M. Neuhaus announcing Saturday October 29, 2016 beginning at 9:30am-12 noon at the SUNY Orange Newburgh Campus the Orange County Department of Emergency Services in conjunction with local First Responders will conduct Homeland Security Exercise Evaluation Program, training on a rail emergency involving the transportation of bulk and crude oil.

Supervisor Livsey announced he received his annual invitation to the Thayer Awards Ceremony being held Thursday October 6, 2106 at Washington Hall West Point, it is an all-day affair.

Supervisor Livsey said he has invitation to the West Point Rotary Club's 40th Anniversary October 9, 2016 champagne brunch cost is \$65.00 per person.

Supervisor Livsey said he received a letter from Congressman Sean Maloney's office regarding the Barge Project he has a 90 day extension on the Public Comment for that project.

Supervisor Livsey announced Sunday October 2, 2016 the O'Neill High School will be having their Homecoming Pep Rally 5pm Thayer Gate to Municipal Lot in front of Sacred Heart Church.

Supervisor Livsey announced that the Board has rejected the bids on Brook's Park Improvement Project. Fusco Engineering has submitted a new proposal to the County as soon as we hear that approve or disapprove the Town will go out to bid on the project again.

Supervisor Livsey said he visited Mine Dock Park because he had given permission to a company working with CSX to park some large trucks and material down there. The company is donating a large amount of money to The Mine Dock Park Group for the use of the storage.

FINANCIAL REPORT

Accounts Payable:

Supervisor Livsey stated that the total amount paid was \$39,322.62.

Budget Transfers

Council Member Voltaire made a motion seconded by Council Member Gunza to transfer \$150.58 from Assessor Other Expenses to Assessor Equipment.

**MOTION CARRIED: 5-ayes (Livsey, Gunza, Edsall, Voltaire, King)
0-nays**

Council Member Edsall made a motion seconded by Council Member Gunza to transfer \$1000.00 from Police Fuel to Police Vehicle Maintenance.

**MOTION CARRIED: 5-ayes (Livsey, Gunza, Edsall, Voltaire, King)
0-nays**

BOARD LIASON REPORTS

Council Member Edsall

Council Member Edsall briefly spoke regarding the Dial-A-Bus and thanked Colleen Solan for providing the Board with all the data from the State. Mr. Edsall said he sent out an email to County Legislature DiSalvo about increasing the fare and the scope of usage for the Dial-A-Bus.

Council Member Edsall said that he was glad to see the Court revenue was up, it is hard to budget for something like this.

Council Member Edsall said he would like to budget conservatively and maybe any surplus could go into a Reserve Fund.

Mr. Rider said he could research and see if that is possible, but he thought it would be unlikely.

Council Member Edsall applauded the Village for the next step in the Planning Board consolidation.

Council Member King

Council Member King said that he is still pressing forward to hire a part-time Senior Coordinator and Recreation Assistant.

Council Member King applauded the O'Neill Football Team mentioning Taekwon Scott who is number one in the state for rushing yards.

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Council Member Gunza

Council Member Gunza stated that she is very happy with Council Member Edsall and herself for finally getting it done with Planning Board consolidation.

Council Member Gunza congratulated the Highland Falls Fire Department for winning two trophies at The Orange County Volunteer Fireman's Association's 101st Parade.

Council Member Voltaire

Council Member Voltaire that The Center just celebrated their second Anniversary this past weekend it was a very nice event.

Council Member Voltaire said there are several "Pep Talks" being held throughout Orange County in October in regards to the Social Host Law on there will be one scheduled in Newburgh October 24 regarding "Parents who lose the most". Information can be found on the Orange County website.

SUPERVISOR'S REPORT

Supervisor Livsey talked about the closing of the West Point Transfer Station in the near future. The Supervisor stated that there is no substantial value to West Point and there are many repairs needed. The Supervisor said that it would mean a lot of changes for the Town, involving maybe hiring a new employee for DPW and possibly purchase a new garbage truck.

Supervisor Livsey said he would like to contact Federal, State and Local officials and see if the Town can get money to purchase a new truck which will cost about \$300,000 to \$400,000.

GENERAL BUSINESS

Chief Quinn

Chief Quinn announced that he had emailed the Board on three items the first being a request for Emergency Leave of Absence for 60 days for Officer Carlton Huff.

Chief Quinn said he received a resignation from Officer Jim Carron he is retiring from Police work and expected to leave by the end of the month.

Chief Quinn said he would like to replace Office Carron, he had received a last minute packet from Officer Hurtado. Chief Quinn had not had a chance to interview any other candidates, as there were none available that meet Officer Hurtado's criteria, he is recently certified as a Police Officer and currently works for the Village.

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Chief Quinn updated the Board about the conversation with the school on upgrading the area around the Elementary School in Fort Montgomery.

Chief Quinn said there were several things that he had asked the State DOT to do, one was to erase the second pedestrian crossing lines and they have installed two new countdown timers for crossing traffic. These are activated by pedestrians physically crossing they talk to the person instructing them what to do.

Chief Quinn said he was really looking for better signage so that motorists can see they are approaching a school zone.

Chief Quinn said that he sought money from Assemblyman Skoufis thru the Burn Grant of \$10,000 with that money Chief Quinn would like to buy speed enforcement signage, at this time he had not received that money but it is in the process. The

Chief Quinn said he would like to get the mobile kind so he can use them around Town.

Supervisor Livsey reads the resignation letter of Officer Carron.

Supervisor asks for a motion to accept the resignation of Officer Carron.

Council Member Edsall made a motion seconded by Council Member Voltaire to accept the resignation of Officer Carron effective September 30, 2016.

MOTION CARRIED: **4-ayes (Gunza, Edsall, Voltaire, King)**
0-nays
1-Abstain (Livsey)

Supervisor Livsey asks the Board for a motion to approve a Leave of Absence for Officer Huff.

Council Member Gunza made a motion seconded by Council Member Voltaire to approve Leave of Absence for Officer Huff.

MOTION CARRIED: 4-ayes (Gunza, Edsall, Voltaire, King)
0-nays
1-Abstain (Livsey)

Supervisor Livsey asks the Board to make a motion to accept the application for hire of Officer Hurtado.

Council Member Gunza made a motion seconded by Council Member Voltaire to hire Officer Jonathan Hurtado pending background check and with the maximum probation period.

MOTION CARRIED: 4-ayes (Gunza, Edsall, Voltaire, King)
0-nays
1-Abstain (Livsey)

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Supervisor Livsey announced that they have started work on the 9W Pump Station, they are working on putting in the generator there was an extra expense of \$500 reported by Bob Held Sewer Plant Operator.

Supervisor Livsey said they had to rent a generator to replace the old generator.

Supervisor Livsey reported that work on Miles Lane should begin in two weeks or so. The Supervisor said the nine people that are listed in the Trust will be getting water before winter, the others will have to pay.

Supervisor Livsey announced that Corbin Hill is on track the Homeowner's Association was approved for their loan.

Supervisor Livsey updated everyone on the Popolopen Bridge. The Supervisor said that the company improving the bridge were supposed to be out of the Town parking lot by October, but it looks like they will not be out for two weeks.

Supervisor Livsey said the Highway Superintendent was not going to leave loose stone in the Town parking lot, they will probably put down topsoil.

Supervisor Livsey stated that we will be having our next meeting on Columbus Day October 10, 2016 6pm Regular Meeting followed by Budget Meeting.

Supervisor Livsey announced there was a Resolution for an Amendment to the Town of Highlands Length of Service Award Program.

Council Member Voltaire made a motion seconded by Council Member Edsall to approve the Resolution for an Amendment to the Town of Highlands Length of Service Award Program Subject to Mandatory Referendum.

**MOTION CARRIED: 5-ayes (Livsey, Gunza, Edsall, Voltaire, King)
0-nays**

******RESOLUTION ATTACHED******

Supervisor Livsey asked Mr. Rider if the board was going to move on the Planning Consolidation and its members today.

Mr. Rider said the Town Board and Town Law allows for them to vote the committee chair.

Supervisor Livsey announced that the Building Department was looking into purchasing a new used vehicle they have found at Marchese Chevrolet in Fort Montgomery valued just short of \$12,000 and they are asking the Board if they could go ahead and purchase once the mechanic has looked at it.

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Supervisor Livsey requests a motion to spend \$12,000 from the Reserve Fund to purchase a car for the Building/Assessor Departments.

Supervisor Livsey made a motion seconded by Council Member Edsall to spend up to \$12,000 to purchase a Chevy Equinox from Marchese Chevrolet for the Town.

**MOTION CARRIED: 5-ayes (Livsey, Gunza, Edsall, Voltaire, King)
0-nays**

Supervisor Livsey made a motion seconded by Council Member Edsall to spend up to \$12,000 from the Vehicle Reserve Fund.

**MOTION CARRIED: 5-ayes (Livsey, Gunza, Edsall, Voltaire, King)
0-nays**

Public Comment

Jim Ramus asked about the Re-organization study and what the Town thought about the need for a full-time Police Chief if the Police consolidation goes forward.

Council Member Gunza said that she would like to see the study completed before she makes any decision.

Supervisor Livsey agreed.

Mr. Ramus said ultimately the Town is in charge of the decision though.

Mr. Rider said there are several things to consider before that decision can be made by the Town.

Mr. Ramus believed that the Village preferred not to have an Inter Municipal Agreement because things would move along faster.

Andrea Matthews announced that the Buffalo Soldier Association will have an after school program starting September 29 at O'Neill High School there will be cadets from West Point available registration is free at the O'Neill library.

Andrea Matthews also said once a month until May 2017 the Engineering Department will visit O'Neill students to help teach them about robotics, Solar Panels and other interesting stuff.

BUDGET MEETING

Chief Quinn

Chief Quinn thanked Kelly Blauvelt for all her work with the budget.

Chief Quinn said the Personal Services line is the one they worked on the most.

Supervisor Livsey stated that we have to be realistic if the Police consolidation goes into effect January 1st, 2017 we really need to look long hard at the Police Budget.

Council Member Gunza replied she did not think consolidation could happen that quickly.

Kelly Blauvelt said transferring funds between two municipalities would involve the State Comptroller's Office because the consolidation would affect the State's Tax Cap as well as.

Chief Quinn said that there would be no way if the consolidation happens that soon that this budget would also cover the Village.

Chief Quinn discussed the salary and personal services line, including seniority of officers and the salary level with a 3 year hourly schedule.

Chief Quinn stated he carefully figured out that the officers worked 13,970 hours which was 2,290 more than just patrol, in addition there was training expenses which amounted to \$59,000.

Chief Quinn said the total Personal Services line is up from last year by \$24,000 in part because of the contractual raises Collective Bargaining Agreement represents.

Chief Quinn said Equipment has come down a lot since 2014 from \$7,000 to \$4,600.

Chief Quinn said his department is in need of new computers, one of which is 12 years old. He was able to get two new computers through a grant but does need the older one replaced.

Chief Quinn said they had drastically reduced Uniforms over the past year, we cannot change the revolving door at the Police Department, and this year there is a surplus. Equipment Vests are \$600 hopefully we can get a 50% reduction.

Council Member Edsall maybe we could look at the Fuel line and move some of that money to cover Vehicle Maintenance or Equipment.

Council Member Voltaire suggests just taking the money out of Fuel as she feels the Town is getting hit hard on the Personal Services line, although realizing that there are issues that are out of the Town's control.

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Chief Quinn and Kelly Blauvelt agreed to take out \$5,000 from fuel.

Council Member Gunza said are we moving that money to reserve or just taking it out.

Supervisor Livsey said just take it out.

Supervisor Livsey asked Chief Quinn to discuss Dog Control.

Chief Quinn said not much has changed for Dog Control, just the hours had been increased.

Council Member Gunza said the budget for Dog Pound Fees seemed too high at \$500.00 so it was cut to \$250.00.

Chief Quinn asks Supervisor Livsey if he has been approached by West Point to contract out dog control services.

Supervisor Livsey said he had not.

Council Member Edsall said it is very frustrating that the Town has to fork out \$20,000 a year just to register their dogs.

Council Member Voltaire asked can we lower the salary line.

Chief Quinn was concerned that we would lose Dog Control altogether, however, salary line was lowered from \$17,500.00 to \$15,000.00.

Kelly Blauvelt announced that Fort Montgomery Fire Department did raise their budget and went over the Tax Cap which they are allowed as they are separate from the Town Budget.

Kelly Blauvelt explained about common services it is something the Town started last year, the Town took some of the expenses from Police and Ambulance and put them in the A Fund.

Kelly Blauvelt said it is unknown what will be needed for improvements in the Police/Ambulance building so it was left the same.

Kelly Blauvelt said that she believed that the Utilities line seemed high to her.

Supervisor Livsey suggested that utilities be taken down from \$15,180.00 to \$10,000.00.

Kelly Blauvelt agreed.

Kelly Blauvelt briefly discussed the Debt stating there was two new funds the DA and DB Funds which the Town will use for new Highway vehicle which is a \$15,000 addition to this budget.

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Kelly Blauvelt said there was a lot of debt here that cannot be controlled, including the old Water Bond and the new Water Bond. A lot of the Debt does not affect the Tax Cap

Kelly Blauvelt discussed General Liability Insurance and said Scott Liebert came in much lower last year so we are able to take some of that money back.

Kelly Blauvelt announced that Retirement is going down.

Kelly Blauvelt said the Tentative Budget has to be in the Town Clerk Office by September 30, 2016

Council Member Gunza said once the Tentative Budget is filed with Town Clerk and the Public Hearing is set we can still make changes and adjustments to the Budget itself.

Kelly Blauvelt confirmed this correct.

Kelly Blauvelt said the Preliminary Budget is filed with the Town Clerk prior to the Public Hearing the date being October 24, 2016.

Supervisor Livsey asks for a motion to adjourn Budget Meeting

Council Member Voltaire made a motion seconded by Council Member Edsall to Adjourn the Budget Meeting. Budget meeting adjourned at 8:10pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Gunza, Voltaire, King)
0-nays.**

Attest,

RESOLUTION

OF

SEPTEMBER 26, 2016

A RESOLUTION AUTHORIZING
AN AMENDMENT TO THE
TOWN OF HIGHLANDS
LENGTH OF SERVICE AWARD PROGRAM
SUBJECT TO MANDATORY REFERENDUM

Council Member **Voltaire** moved the following resolution which was seconded by Council Member **Edsall**.

WHEREAS, the Town of Highlands sponsored a Length of Service Award Program for the Volunteer Ambulance Corps in accordance with General Municipal Law Section 219-d with an initial effective date of January 1, 2002; and

WHEREAS, the existing plan establishes that the benefit shall be based upon a maximum of twenty years of service; and

WHEREAS, the Ambulance Corps has requested that the maximum be extended to thirty years of service; and

WHEREAS, the change in benefit is anticipated to increase the cost of the Service Award Program by approximately \$31,074 over a ten year period, or approximately \$3,100 per year; and

WHEREAS, the Town Board believes it is in best interest of the Town to amend the Length of Service Award Program; and

WHEREAS, the adoption of the amendment to the existing plan constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Length of Service Award Program maximum benefit would be increased from twenty years to thirty years of service;
2. The amendment would be effective with the 2017 plan year;
3. In accordance with the General Municipal Law, the resolution is subject to a mandatory referendum of the qualified voters of the Town of Highlands, which shall be held at the next general election; and
4. The proposition to be voted on shall read as follows:
“Shall the resolution adopted by the Town Board of The Town of Highlands on

September 26, 2016, to amend the Length of Service Award Program, to increase the eligible length of service from twenty years to thirty years for the Town of Highlands Volunteer Ambulance Corps as of January 1, 2017 be approved?"

5. The Town Clerk is hereby authorized to take all actions necessary to submit the proposition for the approval or disapproval of the qualified voters of the Town of Highlands at the General Election to be held on the 8th day of November, 2016.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|------------------------------------|--------|------------|
| Tyrone King, Councilman | voting | Aye |
| June Gunza, Councilwoman | voting | Aye |
| Adrienne T. Voltaire, Councilwoman | voting | Aye |
| William Edsall, Councilman | voting | Aye |
| Mervin R. Livsey, Supervisor | voting | Aye |

The foregoing constitutes a true and complete copy of a resolution duly made, Seconded and adopted at a meeting of the Town Board, Town of Highlands, on September 26, 2016.

June Patterson, Town Clerk

INTERMUNICIPAL AGREEMENT
PLANNING BOARD CONSOLIDATION

This is an Agreement made as of the ____ of _____, 2016, between the Town of Highlands, a municipal corporation of the State of New York with offices at 254 Main Street, Highland Falls, New York, (hereinafter called the “Town”) and the Village of Highland Falls, a municipal corporation of the State of New York, with offices at 303 Main Street, Highland Falls, New York, (hereinafter called the “Village”).

WHEREAS the parties are authorized and encouraged by the provisions of Articles 5-G of the General Municipal Law of the State of New York to cooperate in the consolidation of municipal services, and in particular, to contract with each other to promote intergovernmental cooperation that will result in increased coordination and effectiveness of comprehensive planning and land use regulations in an economic manner; and

WHEREAS pursuant to Section 7-741 (4) of the Village Law of the State of New York and Section 284 (4) of the Town Law of the State of New York, the parties have agreed that it would be in the best interests of their respective communities to consolidate the functions performed by the local planning boards by the dissolution of the Village Planning Board and the assumption by a consolidated Town Village Planning Board of jurisdiction over those matters properly brought for determination to a Planning Board concerning property within the Town and Village, and to make a determination thereof in accordance with their respective codes, New York State law and the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, it is agreed between the parties as follows:

1. Effective on April 1, 2017 and after the Village has adopted its local law dissolving its Planning Board and the Town has adopted its local law restructuring its Planning Board, and thereafter and during the term of this Agreement and any renewals and extensions thereof, all matters involving property within the Village of Highland Falls and within the Town of Highlands properly brought for determination by a Planning Board, shall be heard and determined by a Planning Board to be known and henceforth called and designated as the CONSOLIDATED PLANNING BOARD OF THE TOWN OF HIGHLANDS AND THE VILLAGE OF HIGHLAND FALLS (hereinafter the “Consolidated Planning Board”).
2. The Consolidated Planning Board shall hear and determine all matters submitted to it in accordance with the law applicable to the property which is the subject of the application, and in particular, Article 16 of the Town Law of the State of New York and Article 7 of the Village Law of the State of New York, the Village Code and the Town Code, and in particular as to the following matters:
 - A. To approve or disapprove plats showing lots, blocks or sites, with or without streets or highways; and to approve the development of plats already filed in the office of the Orange County Clerk if such plats are entirely or partially undeveloped.
 - B. To approve or disapprove changes in the lines of existing street, highways or public areas shown on subdivision plats or maps filed in the office of the Orange County Clerk.
 - C. To approve or disapprove the laying out, closing off or abandoning of the streets, highways or public areas under the provisions of the Town, Village and Highway Laws of the State of New York.

- D. To hear and determine any matter in which the building inspector of the respective municipality refers to the Consolidated Planning Board on the grounds of the Code of the respective municipality.
 - E. To hear and determine any matter referred to it for hearing, recommendation or determination by the Board of Trustees of the Village or the Town Board of the Town by proper authority pursuant to ordinance, local law or resolution.
3. Nothing contained in this Agreement shall prevent or limit the powers of the Town of Highlands Town Board or the Village of Highland Falls Board of Trustees to adopt such laws, ordinances or resolutions as each in its sole discretion shall determine to govern the use and development of real property within its boundaries as provided by the laws of the State of New York.
4. Each application presented to the Consolidated Planning Board shall be overseen in accordance with the laws of the State of New York pertaining thereto, and proper authority pursuant to local municipal ordinance, law or resolution. However, the Consolidated Planning Board may adopt its own rules and regulations as to its specific procedures to the extent that such rules and regulations are not contrary to the Town or Village laws of the State of New York pertaining thereto.
5. The Consolidated Planning Board shall consist of five (5) members chosen as follows:
- A. The Town Board shall appoint the first, third and fifth members of the initial Board of the Consolidated Planning Board, while the Village shall appoint the second and fourth members of the initial Board. The initial board appointed shall consist of the following persons, all of whom are duly appointed and sitting members of the existing planning boards of each municipality:

| | |
|-------|--------------------------------|
| _____ | term expires December 31, 2017 |
| _____ | term expires December 31, 2018 |
| _____ | term expires December 31, 2019 |
| _____ | term expires December 31, 2020 |
| _____ | term expires December 31, 2021 |

- B. The parties shall alternate between them in the appointment of the successor to each of the above-named members of the initial Consolidated Planning Board, the Village Board filling the first vacancy created, whether by expiration of term, resignation, removal or other reason. Successors shall be appointed for the remainder of a term or a full term of five (5) years, as the case may be.
- C. In accordance with Town Law Section 271, the Town Board shall designate the chairperson of the Consolidated Planning Board.
6. This Agreement shall remain in full force and effect unless and until either the Town Board or Village Board of Trustees elect to terminate this Agreement by written notice to the other. Written notice shall be delivered by hand with proof of stamped receipt or by certified mail return receipt. This Agreement shall then terminate as soon thereafter as each municipality duly reconstitutes its individual Planning Board and in no event later than one hundred and twenty (120) days from the date of receipt of written notification of the intent to terminate.
7. All of the fees paid in connection with applications to the Consolidated Planning Board shall be deposited to and be the property of the General Town Fund. All of the costs incurred by the Town in the implementation of this Agreement and the administration of the Consolidated Planning Board, including but not limited to the charges incurred for

hearings, compensation paid to clerks, a secretary and such professional experts as the Board may deem necessary and proper and the salary and compensation paid to the Board members shall be paid out of the General Town Fund – a charge against all of the properties within the Town of Highlands, including the Village.

8. Each of the parties does hereby confirm and represent to the other that as of the effective date of this Agreement each has due authority to enter into this agreement and has or will prior to the effective date hereof taken all steps necessary or proper to permit the full implementation of this Agreement.

IN WITNESS WHEREOF the parties have signed this Agreement on the day and year first above written.

VILLAGE OF HIGHLAND FALLS

By:_____

Name: Patrick Flynn, Mayor

TOWN OF HIGHLANDS

By:_____

Name: Mervin R. Livsey, Supervisor